

Appln. No. 09/932,659  
Amendment dated January 20, 2004  
Response to Office Action dated October 17, 2003

### REMARKS

Claims 1-20 are currently pending and under examination. Claims 1-3, 6-13 and 16-20 stand rejected. Claims 4, 5, 14, and 15 were deemed to contain allowable subject matter, and were objected to only as being dependent upon rejected base claims. By this Amendment, claims 3, 9, 10, 13, 19 and 20 have been cancelled and claims 1, 7, 8, 11, 17 and 18 have been amended. Accordingly, upon entry of this Amendment, claims 1, 2, 4-8, 11, 12, and 14-18, as amended, will be pending and under examination. Claims 1 and 11 are independent.

The Examiner is thanked for the indication of allowable subject matter in claims 4, 5, 14 and 15. Since, as explained below, these claims depend from base claims which are believed to be allowable, Applicants have not presented those claims in independent form.

In order to expedite the prosecution of the subject application, and without conceding either the correctness of the Examiner's position or the need for amendment for patentability reasons, Applicants have cancelled claims 3, 9, 10, 13, 19 and 20.

Claims 1, 7, 8, 11, 17 and 18 have been amended to attend to matters of form. Such changes are fully supported in the application, as originally-filed.

New paragraph [0012.1] contains information contained in previously submitted Fig. 5, which is to be replaced by this Amendment, and as such does not introduce new matter. Likewise, new paragraph [0024.1] presents subject matter corresponding to claim 1 and using reference labels reflecting the amended drawings submitted herewith.

### The Objections to the Drawings

The drawings were objected to under 37 C.F.R. § 1.83(a) on grounds not all features of the claimed invention were depicted. Specifically, the Office Action stated that the

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front, side and back walls, the rectangular cover, hinge, latch and radiography reader were not shown.

In addition, the drawings were objected to under 37 C.F.R. § 1.84(p)(5) on grounds they lacked reference signs mentioned in the description for the cassette, front, side and back walls, rectangular cover, hinge, latch and radiography reader.

The Examiner is thanked for calling attention to these points. The drawings and specification have been carefully reviewed. Where appropriate, the specification has been revised to attend to the points noted, and suitable drawing changes have been proposed by way of the accompanying Request for Approval to Make Drawing Changes, two copies of which also submitted herewith.

Accordingly, favorable reconsideration and withdrawal of these objections is respectfully requested.

#### **Rejection Under 35 U.S.C. § 101**

Claims 7-9 and 17-19 have been rejected under 35 U.S.C. § 101 on grounds the subject matter claimed did not comply with the statutory requirements for a process, that is, for being improper process claims.

First, it will be appreciated that the cancellation of claims 9 and 19 renders moot the corresponding portions of this rejection.

Second, claims 7, 8, 17 and 18 have been carefully reviewed and revised to attend to the point noted by the Examiner.

Accordingly, favorable reconsideration and withdrawal of this rejection are respectfully requested.

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**Rejection Under 35 U.S.C. § 112, ¶ 2**

Claims 3, 7-10, 13 and 17-20 have been rejected under 35 U.S.C. ¶ 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of Applicants' invention.

More specifically, claims 3, 10, 13 and 20 were rejected because those claims use certain trademarked terms. Claims 7-9 and 17-19 were rejected as failing to recite any method steps.

For the following reasons, favorable reconsideration and withdrawal of this rejection is respectfully requested.

First, the cancellation of claims 3, 9, 10, 13, 19 and 20 renders moot the corresponding portion of this rejection.

As for claims 7, 8, 17 and 18, those claims have been carefully reviewed and revised to recite features which specify aspects of the structure of the claimed invention, rather than uses of that invention.

Again, favorable reconsideration and withdrawal of this rejection are respectfully requested.

**Rejections Under 35 U.S.C. § 103**

Claims 1, 6-9, 11 and 16-19 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 3,804,625 to Sorli in view of U.S. Patent No. 6,273,606 to Dewaele et al. Applicants respectfully traverse this rejection and submit the following arguments in support thereof.

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Applicants' invention, as described in claim 1, is directed to an X-ray film cassette that includes a rectangular cartridge body having a front wall, a pair of side walls and a back wall, a rectangular cover hinged at one side thereof to the back wall of the body by a hinge, a latch provided at one side of the cover opposite to the hinged side, the latch being manually operable to be moved from a latching position to a released position, and a slot provided in the front wall of the body to be engaged with the latch of the cover. At least two imaging plates are provided for recording an image generated by an X-ray source. These imaging plates are arranged in partial overlapping relation so as to prevent a loss of diagnostic information.

According to claim 11, Applicants' invention is also drawn to an X-ray cassette that has a rectangular cartridge body with a front wall, a pair of side walls and a back wall, a rectangular cover hinged at one side thereof to the back wall of the body by a hinge, a latch provided at one side of the cover opposite to the hinged side, the latch being manually operable to be moved from a latching position to a released position, a slot provided in the front wall of the body to engage the latch of the cover, and at least two imaging plates for recording an image generated by an X-ray source on a photostimulable phosphor sheet. The two imaging plates are arranged in partial overlapping relation to prevent a loss of diagnostic information.

Thus, it will be appreciated that the present invention provides for a cassette having at least two partially-overlapping imaging plates.

This rejection is respectfully traversed on grounds it does not accurately characterize the cited art, and does not establish a proper basis for the combination of such art. Turning to the cited references, Applicants have the following comments.

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Sorli is cited only as teaching certain basic aspects of a film unit cassette such as a body with walls, cover and latch. The Office Action admits that Sorli fails to teach such aspects of this invention as two imaging plates for recording an image generated by an X-ray source which are arranged to overlap to prevent a loss of diagnostic information.

Although the Office Action then contends that Dewaele teaches at least two imaging plates for recording an image generated by an X-ray source which imaging plates overlap to prevent loss of diagnostic information (Office Action p. 5), Applicants respectfully disagree. As explained below, Dewaele, by its explicit teachings, states that the use of two imaging plates in one cassette is **undesirable**, and therefore also cannot suggest arranging such imaging plates in **overlapping** relation, as now claimed. One skilled in the art therefore would not be led to modify Sorli's cassette in a manner that would lead to the present invention.

Dewaele is said to teach at col. 1, lines 27-38, an X-ray cassette having at least two imaging plates that overlap. This portion of Dewaele is the Background of the Invention, however, and it disparages the structure disclosed. Specifically, Dewaele states:

Analogous to conventional film-screen based radiography, in storage phosphor image acquisition wherein a radiation image is temporarily stored in a photostimulable phosphor screen, such examinations are achieved by filling a larger cassette with a plurality of storage phosphor screens, **generally overlapping** with one another so as to completely cover the longer, elongate cassette (an embodiment referred to as an overlapping sheet embodiment).

Dewaele does not specify how such screens overlap (i.e., completely or partially), and then goes on to state that it would be **undesirable** to have a cassette with multiple storage phosphor screens in which those storage phosphor screens overlap, because that would result in underexposure of the overlapped portion of those screens. Instead, Dewaele goes on to disclose

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a system in which multiple cassettes are used, each cassette having just one screen within (Figs. 1a-3c; col. 3, line 60, through col. 4, line 38.

Those skilled in the art therefore will recognize that Dewaele teaches away from the use of multiple screens within a single cassette.

In this regard, it should be noted that the law requires the teachings of a reference as a whole be considered, including those teachings which lead away from the claimed invention. In re Wesslau, 353 F.2d 238, 241, 147 USPQ 391, 393 (CCPA 1965); see also In re Fritch, 972 F.2d 1260, 1266, 23 USPQ2d 1780, 1784 (Fed. Cir. 1992); Bausch & Lomb, Inc. v. Barnes-Hind/Hydrocurve, Inc., 796 F.2d 443, 448; 230 USPQ 416, 419-20 (Fed. Cir. 1986), cert. denied, 484 U.S. 823 (1987).

Considering Dewaele as a whole, it is respectfully submitted that one skilled in the art seeking to improve upon a known cassette would be led away from the claimed invention by Dewaele, since Dewaele disparages the use of more than one screen in a single cassette, which is a part of this invention. Instead, Dewaele employs multiple cassettes, each with one screen therein, to capture the desired image. Consequently, one skilled in the art combining Sorli with Dewaele would employ multiple Sorli cartridges in the manner of Dewaele, each such cartridge having a single screen therein.

The mere fact that Sorli and Dewaele can be combined does not render the resultant combination obvious, that prior art does not suggest the desirability of the asserted combination (MPEP 2143.01).

Also, because Dewaele disparages the use of more than one screen in a single cassette, the asserted combination and modification in fact would change a basic principle of

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operation of Dewaele, and so render the structure taught by Dewaele unfit for its intended purpose. This is contrary to the standards of patent practice:

**If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims prima facie obvious. In re Ratti, 270 F.2d 810, 123 USPQ 349 (CCPA 1959) (Claims were directed to an oil seal comprising a bore engaging portion with outwardly biased resilient spring fingers inserted in a resilient sealing member. The primary reference relied upon in a rejection based on a combination of references disclosed an oil seal wherein the bore engaging portion was reinforced by a cylindrical sheet metal casing. Patentee taught the device required rigidity for operation, whereas the claimed invention required resiliency. The court reversed the rejection holding the "suggested combination of references would require a substantial reconstruction and redesign of the elements shown in [the primary reference] as well as a change in the basic principle under which the [primary reference] construction was designed to operate." 270 F.2d at 813, 123 USPQ at 352.)**

M.P.E.P. §2143.01 (emphasis added). See also M.P.E.P. ¶ 2144, which states that the asserted combination cannot render the asserted reference inoperable for its intended purpose.

However, even if one skilled in the art were to apply Dewaele to the Sorli film cassette, that still would not suggest the claimed invention. Dewaele's invention, as set out in the Detailed Description of the Invention at col. 4, lines 9-34 and Figs. 1A-3C, uses multiple cassettes 4 arranged in different overlapping manners, "each cassette holding a recording member" (col. 4, lines 10-11). . However, while the cassettes themselves may overlap, as shown in Figs. 1a-3c, it should be understood that each cassette has a single imaging plate. This means that were Sorli modified in the manner of Dewaele, one only would obtain a system in

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which multiple cassettes were used in overlapping relation, with each cassette having a single screen therein, as has previously been explained.

Claims 2, 3, 10, 12, 13 and 20 have been rejected under 35 U.S.S. 103(a) as being unpatentable over Sorli as modified by Dewaele as applied to claim 1 above, and further in view of U.S. Patent No. 5,901,240 to Luo et al. Applicants respectfully traverse this rejection and submit the following arguments in support thereof.

First, it will be appreciated that the cancellation of claims 3, 10, 13 and 20 renders moot the corresponding portions of this rejection.

With regard to claims 2 and 12, those claims respectively depend from, and so incorporate by reference all the features of claims 1 and 11, including those features already shown to patentably distinguish over the cited art.

Luo is cited only as suggesting a radiography reader. There is no assertion that Luo in any way remedies the deficiencies of Sorli and Dewaele previously discussed, and it is noted that Luo indeed does not suggest any specific cassette structure, much less a structure such as is now claimed.

Claims 2 and 12 therefore patentably distinguish over the cited art at least for the same reasons as their respective base claims.

Favorable reconsideration and withdrawal of this rejection are respectfully requested.

### CONCLUSION

Applicants respectfully submit that all of the outstanding claim rejections have been overcome. Applicants further submit that all claims pending in this application are

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patentable over the prior art. Favorable reconsideration and withdrawal of those rejections is respectfully requested.

Early and favorable action is earnestly solicited.

Respectfully submitted,

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